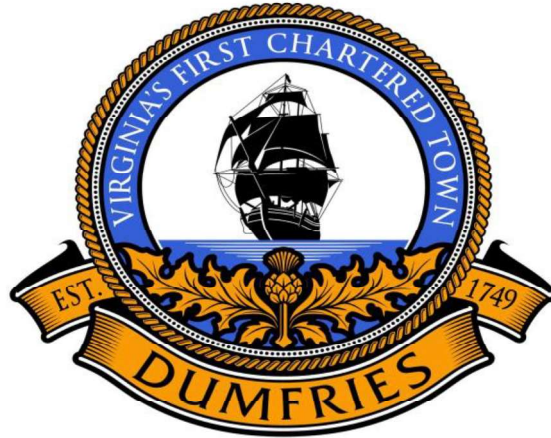


Town of Dumfries Council Meeting Packet



Derrick R. Wood, Mayor
Monaé S. Nickerson, Vice Mayor
Selonia B. Miles, Chair Pro Tem
Tyrone Brown, Councilmember
Brian K. Fields, Councilmember
Shaun Peet, Councilmember
Caetrina A. Peterson, Councilmember

Tangela Innis, Town Manager
Sharon E. Pandak, Acting Town Attorney
Tangi R. Hill, Town Clerk

July 11, 2023



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town
CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400 / Fax: 703-221-3544
www.dumfriesva.gov

DUMFRIES TOWN COUNCIL MEETING TUESDAY, JULY 11, 2023 AT 7:00 PM COUNCIL CHAMBERS

- I. Call to Order and Roll Call
- II. Moment of Prayer – Pastor Samuel Metcalfe
- III. Pledge of Allegiance
- IV. Adoption of Agenda
- V. Awards and Proclamations
 - A. National Watermelon Month Proclamation – Councilman Tyrone Brown
 - B. National Ice Cream Month Proclamation – Councilwoman Caetrina Peterson
- VI. Approval of Minutes
 - A. Minutes of the June 20, 2023 Regular Meeting
- VII. Citizen Comment Period
- VIII. Mayor and Council Comments
- IX. Action Items (Public Hearing)
 - A. Public Hearing - Amendments to Chapter 54 of the Code of the Town of Dumfries Subdivision Ordinance – Nick Cicero, Principal Planner
 - B. Public Hearing - Amendments to Chapter 70 (Zoning), Article IV, of the Code of the Town of Dumfries – Nick Cicero, Principal Planner
 - C. Public Hearing - Conditional Use Amendment application, CUPA2019-003, for Colonial Downs Group, LLC – Nick Cicero, Principal Planner
 - D. Authorize Public Hearing on Amendments to Town Code Regarding Town Manager's Authority and Related Matters (Public Hearing Date: August 8, 2023)
- X. Adjournment



NATIONAL WATERMELON MONTH PROCLAMATION

WHEREAS, the Town of Dumfries recognizes the vital role of local farmers and the agricultural community in providing fresh, nutritious produce to our residents; and

WHEREAS, the Town Council is committed to celebrating and supporting our local farmers, who contribute to the town's food security and economic vitality; and

WHEREAS, July is designated as National Watermelon Month, a time to honor and appreciate the delightful, refreshing fruit that symbolizes summer and abundance; and

WHEREAS, Garry Sessoms, an esteemed member of our farming community, has consistently provided our residents with the finest watermelons, cultivating a tradition of quality and excellence; and

WHEREAS, the Farmers Market, under Garry Sessoms' leadership, has become a cherished gathering place for community members, fostering connections and supporting local agriculture;

NOW, THEREFORE, be it proclaimed by the Town of Dumfries Town Council that:

The month of July shall officially be recognized as "National Watermelon Month" in the Town of Dumfries, a time to celebrate and enjoy the bountiful, refreshing goodness of this beloved fruit.

The Town Council extends its deepest gratitude to Garry Sessoms for his dedication, hard work, and commitment to providing our community with the finest watermelons, contributing to our overall well-being.

The Town Council commends Garry Sessoms for his leadership in establishing and nurturing the Farmers Market, a valuable platform that supports local farmers and connects our community with fresh, locally grown produce.

The Town Council encourages all residents to visit the Farmers Market and support Garry Sessoms and other local farmers during National Watermelon Month, promoting sustainable agriculture and fostering a stronger, healthier community.

Derrick R. Wood, Mayor
Town of Dumfries
July 11, 2023



NATIONAL ICE CREAM MONTH PROCLAMATION

WHEREAS, the Town Council is committed to honoring and supporting our local entrepreneurs who contribute to the town's economic and cultural growth; and

WHEREAS, Jesse Burgess, as the esteemed owner of Jimmy T's Ice, has made substantial contributions to the culinary landscape of our town; and

WHEREAS, the month of July is designated as National Ice Cream Month, a time to celebrate and appreciate the delectable frozen delight that brings joy to individuals of all ages; and

WHEREAS, Jesse Burgess, through Jimmy T's Ice, has consistently provided our residents with a delightful array of ice cream flavors, enhancing our community's gastronomic experiences; and

WHEREAS, Jimmy T's Ice has become a beloved destination for families, friends, and visitors, creating cherished memories and fostering a sense of togetherness;

NOW, THEREFORE, be it proclaimed by the Town of Dumfries Town Council that:

The month of July shall officially be recognized as "National Ice Cream Month" in the Town of Dumfries, serving as a time to celebrate and relish the joys of this beloved frozen dessert.

The Town Council extends its sincere gratitude to Jesse Burgess, owner of Jimmy T's Ice, for his unwavering dedication, innovation, and invaluable contributions to our town's culinary landscape.

The Town Council commends Jesse Burgess for his steadfast commitment to providing exceptional ice cream and cultivating a warm and inviting atmosphere that unites our community.

The Town Council encourages all residents and visitors to actively support local businesses, including Jimmy T's Ice, during National Ice Cream Month and beyond, fostering the continued economic prosperity and vibrancy of our town.

Derrick R. Wood, Mayor
Town of Dumfries
July 11, 2023

**DUMFRIES TOWN COUNCIL
MEETING MINUTES
TUESDAY, JUNE 20, 2023**

MEETING HELD IN COUNCIL CHAMBERS

*A video recording of this meeting is available on the Town's Website
at www.dumfriesva.gov and YouTube Channel at
<https://www.youtube.com/live/zXk5m6Nyw2M?feature=share>*

Call to Order and Roll Call

At 7:01 PM, Mayor Wood called the meeting to order. The following members were recorded as present: Brown, Fields, Miles, Nickerson, Peet, Peterson, and Wood.

Invocation

A moment of silent prayer was held.

Pledge of Allegiance

Mayor Woods asked all to stand for the Pledge of Allegiance.

Adoption of the Agenda

On a motion made by Councilman Brown, seconded by Chair Pro Tem Miles to adopt the agenda as presented. Vote 7-0-0 (Yes: Brown, Fields, Miles, Nickerson, Peet, Peterson, and Wood; No: N/A; Abstain: N/A)

Awards and Proclamations

The following proclamations were presented:

National Pollinator Month Proclamation – Mayor Derrick Wood
Pride Month Proclamation – Chair Pro Tem Selonia Miles

Approval of Minutes

Minutes of the June 6, 2023 Regular Meeting

On a motion made by Councilman Peet, seconded by Vice Mayor Nickerson to approve the Dumfries Town Council Meeting Minutes of the June 6, 2023, Regular

Meeting. Vote 7-0-0 (Yes: Brown, Fields, Peet, Peterson, Miles, Nickerson, and Wood; No: N/A; Abstain: N/A).

Citizen Comment Period

There were no citizen comments heard.

Reports and Presentations

Presentation of the Town of Dumfries Affordable Housing Funds to Prince William County Habitat for Humanities – Nick Cicero, Principal Planner

The Dumfries Town Council presented a check in the amount of \$5,000 to Mr. Markus Crewe, Executive Director of Prince William County Habitat for Humanities. The funds will be used to provide urgent repairs to a residence in Dumfries.

Presentation of the Prince William County Schools Strategic Plan – Dr. LaTanya McDade, Superintendent of Prince William County Schools

Prince William County Schools Superintendent Dr. LaTanya McDade presented the Prince William County Schools Strategic Plan. Dr. McDade informed Council that she will return to the Council this upcoming school year (mid-year) to provide the progress of what was presented with the numbers and how close to reaching goals by 2025.

Town Manager's Report – Tangela Innis, Town Manager

Town Manager Innis presented her report to the Council. She provided an update to the Council on recruitment of the Chief Financial Officer (interviews on June 21, 2023 with an offer by mid-July or sooner), Planning and Community Development Director (interviews have not been scheduled as we await additional applicants). Next month, we will begin the recruitment of Senior Accountant and Human Resources Administrator. This recruitment will begin after the selection of the Chief Financial Officer.

Two Requests for Proposals have been advertised. The Comprehensive Plan Review and Update is due at 2pm on July 17, 2023. The Classification and Compensation Study is due at 2pm on July 6, 2023. The Town Manager is also working on a scope of work for a Financial Management System.

Action Items

Resolution Initiating Amendments to Chapter 54 of the Code of the Town of Dumfries Subdivision Ordinance (Public Hearing Date – July 11, 2023) – Nick Cicero, Principal Planner

On a motion made by Councilman Peet, seconded by Councilman Fields to adopt the Resolution Initiating Amendments to Chapter 54 of the Code of the Town of Dumfries Subdivision Ordinance scheduling the Public Hearing for July 11, 2023. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

Resolution Initiating Amendments to Chapter 70 (Zoning), Article IV, of the Code of the Town of Dumfries (Public Hearing Date – July 11, 2023) – Nick Cicero, Principal Planner

On a motion made by Vice Mayor Nickerson, seconded by Councilman Peet to adopt the Resolution Initiating Amendments to Chapter 70 (Zoning), Article IV, of the Code of the Town of Dumfries scheduling the Public Hearing for July 11, 2023. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

Continuation of the Resolution Authorizing the Town Manager to Advertise Public Hearing on the Conditional Use Amendment Application, CUPA2019-003 for Colonial Downs Group, LLC (Public Hearing Date – July 11, 2023) – Nick Cicero, Principal Planner

On a motion made by Vice Mayor Nickerson, seconded by Councilman Peet to continuation of the Resolution Authorizing the Town Manager to Advertise Public Hearing on the Conditional Use Amendment Application, CUPA2019-003 for Colonial Downs Group, LLC scheduling the Public Hearing for July 11, 2023. Vote 7-0-0 (Yes: Brown, Fields, Nickerson, Miles, Peet, Peterson, and Wood; No: N/A; Abstain: N/A).

Closed Session

One Personnel Matter Relating to the Appointed Acting Town Attorney Pursuant to Va. Code §§2.2-3711.A.(1).

On a motion made by Chair Pro Tem Miles, seconded by Councilman Peet, the Council convened in Closed Session, at 8:07 pm pursuant to Va. Code §§2.2-3711.A.(1) for One Personnel Matters Relating to the Appointed Acting Town Attorney pursuant to Va. Code §§2.2-3711.A.(1). Vote 7-0-0 Yes: Brown, Fields, Peet, Peterson, Miles, Nickerson, and Wood; No: N/A; Abstain: N/A).

On a motion made by Chair Pro Tem Miles, seconded by Vice Mayor Nickerson, the Council concluded Closed Session and reconvened in Open Session at 9:02 pm certifying that only the matter required in closed session was discussed in closed session. Vote 7-0-0 (Yes: Brown, Fields, Peet, Peterson, Miles, Nickerson, and Wood; No: N/A; Abstain: N/A).

Adjournment

Mayor Wood adjourned the meeting at 9:03 pm.

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON JULY 11, 2023: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Tyrone A. Brown, ____;
Brian K. Fields, ____;
Selonia B. Miles, ____;
Monae S. Nickerson, ____;
Shaun R. Peet, ____;
Caetrina A. Peterson, ____;
Derrick R. Wood, ____;

ORDINANCE APPROVING AMENDMENTS TO CHAPTER 54 OF THE CODE OF THE TOWN OF DUMFRIES, THE TOWN OF DUMFRIES SUBDIVISION ORDINANCE, TO REVISE THE TOWN COUNCIL’S AGENT FOR THE REVIEW AND APPROVAL OF SUBDIVISION APPLICATIONS.

WHEREAS, at its June 20, 2023, meeting, the Dumfries Town Council passed a resolution initiating amendments to Chapter 54 of the Town Code, the Town’s Subdivision Ordinance, to replace the Director of Planning & Community Development with the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator in Chapter 54, of the Subdivision Ordinance, as the Town Council’s agent for the review and approval of subdivision applications and related actions, (“the proposed amendments”); and

WHEREAS, pursuant to Va. Code § 15.2-2253, the Town Council has the authority to amend Chapter 54 of the Town Code, the Town’s Subdivision Ordinance; and

WHEREAS, in its initiating resolution for the proposed amendments, the Town Council referred the proposed amendments to the Planning Commission and requested the Planning Commission to review the proposed amendments and provide Town Council with its recommendation thereon; and

WHEREAS, on July 10, 2023, the Planning Commission conducted a duly advertised and noticed public hearing on the proposed amendments and recommended to the Town Council approval of the proposed amendments at that time; and

WHEREAS, the Town staff has presented to the Town Council a staff report on the proposed amendments, which recommends approval of the proposed amendments; and

WHEREAS, on July 11, 2023, the Town Council conducted a duly advertised and noticed public hearing at which members of the public were offered an opportunity to speak to the Town Council regarding the proposed amendments; and

WHEREAS, the Town Council is of the opinion that the proposed amendments are reasonable and proper and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries on this 11th day of July, 2023 does hereby approve and adopt the proposed amendments as follows:

PROPOSED AMENDMENTS TO SUBDIVISION ORDINANCE

Chapter 54 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 54-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means ~~the~~ the town official serving as planning director or, in the absence of the planning director, the zoning administrator, who is the town council's appointee to process, review, and approve subdivision applications, subdivision plats and related actions under this ordinance ~~Director of the Town's Department of Planning & Community Development, who is hereby authorized to act on the behalf of the council with respect to this ordinance.~~

By Order of Council:

Derrick R. Wood, Mayor

Attest:

Tangi Hill, Town Clerk



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Staff Report

Code Text Amendment: To amend Chapter 54 of the Town Code, The Town of Dumfries Subdivision Ordinance to: revise the Town Council's agent for the review and approval of Subdivision applications.

PURPOSE

On June 20, 2023, the Town of Dumfries' Town Council adopted a resolution to initiate amendments to Chapter 54, The Town of Dumfries Subdivision Ordinance. The proposed amendments, if approved, will enable the Town of Dumfries to approve subdivision applications. Currently the Director of Planning and Community Development is the approval agent for all subdivisions, however with this position vacant since the departure of the former Town Manager/Acting Director of Planning and Community Development no subdivision applications may be approved. The proposed amendments allow staff to review and approve subdivision applications. Currently, the definition is too stringent and has led to delays in approving current subdivision applications. The agent for review and approval would now be the Town Official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator.

SUMMARY & RECOMMENDATION

The proposed amendments will allow council to appoint an employee to be the approval agent of Subdivision applications, ensuring that there is no lapse in the Town's ability to approve these applications. As such, staff recommends the Town Council approve the amendments to Chapter 54 (Subdivision) of the Town Zoning Code.

STAFF CONTACT: Nick Cicero, Principal Planner- 703-221-3400 x 140.

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON JULY 11, 2023: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE DUMFRIES TOWN COUNCIL WITH THE FOLLOWING VOTE:

Tyrone A. Brown, _____;
Brian K. Fields, _____;
Selonia B. Miles, _____;
Monae S. Nickerson, _____;
Shaun R. Peet, _____;
Caetrina A. Peterson
Derrick R. Wood, _____;

ORDINANCE APPROVING ZONING TEXT AMENDMENTS ZTA2023-001 TO CHAPTER 70, ARTICLE IV, OF THE CODE OF THE TOWN OF DUMFRIES, THE ZONING ORDINANCE, TO CHANGE THE DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT TO THE TOWN OFFICIAL SERVING AS PLANNING DIRECTOR OR, IN THE ABSENCE OF THE PLANNING DIRECTOR, THE ZONING ADMINISTRATOR FOR THE REVIEW AND APPROVAL OF SITE PLAN APPLICATIONS AND RELATED ACTIONS

WHEREAS, at its June 20, 2023, meeting, the Town Council passed a resolution initiating zoning text amendments ZTA2023-001 to Chapter 70 (Zoning), Article IV of the Town Code, to replace the Director of Planning & Community Development with the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator for the review and approval of site plan applications and related actions; and

WHEREAS, in its initiating resolution for the proposed zoning text amendments ZTA2023-001 the Town Council referred the proposed zoning text amendments to the Planning Commission and requested the Planning Commission to review the proposed zoning text amendments and provide Town Council with its recommendation thereon; and

WHEREAS, on July 10, 2023, the Planning Commission conducted a duly advertised and noticed public hearing on the proposed zoning text amendments and recommended to the Town Council approval of the proposed zoning text amendments; and

WHEREAS, the Town staff has presented to the Town Council a staff report recommending approval of the proposed zoning text amendments; and

WHEREAS, on July 11, 2023, the Town Council conducted a duly advertised and noticed public hearing at which members of the public were offered an opportunity to speak to the Town Council regarding the proposed zoning text amendments; and

WHEREAS, the Town Council is of the opinion that the public necessity, convenience, general welfare, and good zoning practice require the adoption of the proposed zoning text amendments; and

WHEREAS, the Town Council is of the opinion that the proposed zoning text amendments are reasonable and proper and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries on this 11th Day of July , 2023 does hereby approve and adopt the proposed zoning text amendments ZTA2023-001 as follows:

PROPOSED AMENDMENTS TO ZONING ORDINANCE

Zoning Ordinance ARTICLE IV. - SITE PLAN

* * *

Sec. 70-540. - Contents.

The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the commonwealth within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

- (1) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the director of planning's approval.
- (2) The north point, scale, date, and vicinity map.
- (3) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- (4) The present use of all contiguous or abutting property.
- (5) The boundaries of the property involved by bearings and distances.
- (6) All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining the project. Those physical features, such as watercourses, waterways, or lakes on adjoining properties, need only be shown in approximate scale and proportion.
- (7) Topography of the project area with contour intervals of two feet or less.
- (8) The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.

- (9) The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site, so as to provide adequate facilities for all types of vehicles for solid waste collection.
- (10) When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of 150 feet or the length of connections, whichever is the greater distance.
- (11) The location of all existing and proposed off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.
- (12) The site plan shall show heavily wooded areas and trees to be removed which shall be designated by symbols coincident with the areas of the trees; and an indication of which trees are to be retained and which are to be removed.
- (13) The location, height, type, and material of all existing and proposed fences, walls, screen planting, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- (14) The location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general use for each building; and the number, size, and type of dwelling units where applicable.
- (15) Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the town, indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to the existing drainage system.
- (16) Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with chapter 26, article II.
- (17) Proposed finished grading by contour supplemented, where necessary, by spot elevations.
- (18) One hundred-year floodplain limit studies as required by the town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development.~~
- (19) The location, character, size, height, and orientation of proposed signs.
- (20) The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.
- (21) Any necessary notes required by the town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ to explain the purpose of specific items on the plan.
- (22) The town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ may request additional information other than what has previously

been stated when deemed necessary to protect the health, safety and general welfare of the citizens of the town.

- (23) On all site plans, the Resource Protected Area (RPA) and Resource Management Area (RMA) boundaries shall be depicted, including the requirement to retain an undisturbed and vegetated 100-foot-wide buffer area per the Chesapeake Bay Preservation Area (CBPA) Act requirements.
- (24) Per CBPA Act requirements, the list of required information shall include a notation on site plats indicating that permitted development in RPA (including the 100-foot-wide vegetated buffer) is limited to water dependent facilities or redevelopment.
- (25) As required by 9VAC 10-20-190 A 5 of the Regulations, all site plans shall include the requirement for a notation on plans indicating the delineation of the buildable areas on each lot, based on the performance criteria, local front and side yard setbacks, and any other relevant easements or limitations regarding lot coverage.

Sec. 70-541. - Improvements; standards.

The following improvements and minimum standards, as applicable, shall be required and provided for in a site plan:

- (1) *Street and highway construction and geometric design standards.* All street and highway construction standards and geometric design standards shall be in accordance with those specified by the state department of transportation.
- (2) *Vehicular travel lanes.* The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be not less than 22 feet in width for two-way traffic and 12 feet for one-way traffic.
- (3) *Cul-de-sacs.* Cul-de-sacs shall be designed and constructed in accordance with the street standards specified by the state department of transportation and may not be construed or employed as a parking area.
- (4) *Utility easements.* The minimum utility easement width shall be 20 feet unless specifically reduced as specified by that town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~. Where multiple structures or pipes are installed, the edge of the easement shall be five feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five feet from any building.
- (5) *Sidewalks and pedestrian walkways.* Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one building to another within the site and to adjacent sites.
- (6) *Screening.* All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.

- (7) *Unnecessary destruction of trees.* In order to preserve the character and natural environment and to provide visual and noise buffering, theat town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ may refuse to approve any site plan which proposes unnecessary destruction of trees and other natural features. The said town official ~~Director of Planning & Community Development~~ may require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish, and protect trees of eight-inch diameter or larger at the DBH, ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage; streams in their natural condition.
- (8) *Street/space lighting.* Street/space lighting shall be required in all zones.

Sec. 70-542. - Procedures.

- (a) Theat town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ is responsible for checking site plans, preliminary and final, for general completeness and compliance with such administrative and legislative requirements as may be established by routing copies thereof to appropriate reviewing departments, and outside agencies.
- (b) All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, other town ordinance requirements, utilities, and drainage, and to consider preliminary features of the proposed development as they relate to this article.
- (c) Sufficient copies, as may be required by theat town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~, of the final site plan shall be submitted to theat town official~~Director of Planning & Community Development~~.
- (d) Upon receipt of the first review comments from the reviewing agencies, theat town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ shall transmit review comments to the applicant for correction or implementation.
- (e) The applicant shall then return to theat town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ revised plans addressing all concerns and noting all changes. Theat town official~~Director of Planning & Community Development~~ shall then distribute and coordinate all further comments in the same manner until the final plan conforms with all technical requirements of all applicable codes.
- (f) Theat town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development~~ shall the site plan, determine whether it meets the applicable requirements of this Ordinance, and then either approve or disapprove the site plan. In the event theat

~~town official~~Director of Planning & Community Development disapproves the site plan, all of the reasons for that disapproval shall be stated in writing.

Sec. 70-543. - Termination; extension.

- (a) An approved site plan shall be valid for a period of five (5) years after the date of final approval or for such longer period as the~~at town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development.
- (b) Upon application of the developer, The~~at town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development may grant an one or more extensions of up to one year of the approval of a final site plan as the~~at town official~~Director may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, and the laws, ordinances and regulations in effect at the time of the request for the extension.

Sec. 70-544. - Amendments to approved site plan.

If it becomes necessary for an approved site plan to be changed, the~~at town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this article.

Sec. 70-545. - Site plan prerequisite to issuance of permits; agreement bond and fees.

- (a) No building permit shall be issued to construct, erect, or alter any building or structure, nor shall any permit or authorization be granted to improve or develop land subject to the provisions of this article, unless a site plan has been submitted and approved.
- (b) Prior to the issuance of permits for construction, there shall be executed by the owner or developer, and submitted to the town, with an approved site plan, an agreement to construct such required physical improvements as are located within the public rights-of-way or easements or as connected to any public facility, in form and substance as approved by the town, together with a corporate surety bond (section 70-8) acceptable to the town attorney and approved by the~~at town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development, in an amount of 100 percent of the estimated cost of the required physical improvements listed in the unit price list for performance bonds on file in the office of the~~at town official serving as planning director or, in the absence of the planning director, the zoning administrator~~Director of Planning & Community Development. Such agreement with the town council shall provide for completion of all work covered thereby within the

time to be determined by ~~the~~ town official serving as planning director or, in the absence of the planning director, the zoning administrator ~~Director of Planning & Community Development~~ upon written justification by the owner or developer, signed by all parties (including sureties) to the original agreement.

- (c) The council may grant the periodic partial and final complete release of any bond, escrow, letter of credit or other performance guarantee required by this section pursuant to the terms and provisions of section 70-8.

* * *

Sec. 70-547. – Waiver of Requirements. REPEAL

~~(a) — If, through no fault of the applicant a project cannot satisfy a particular requirement of this Ordinance, upon written request of the applicant for a waiver of any of the requirements of this Ordinance, Director of Planning & Community Development may approve a waiver of said requirement if all of the following requirements have been satisfied:~~

~~—— (1) the need for the waiver is not attributable to any action or decision of the applicant;~~

~~—— (2) the applicant has acted in good faith with respect to the need for the waiver;~~

~~—— (3) the waiver requested by the applicant is the minimum necessary under the circumstances;~~

~~—— (4) the approval of the waiver will not cause any harm to any other property; and~~

~~(5) the approval of the waiver does not conflict with the purpose and intent of the Ordinance.~~

~~(b) — Any waiver request must fully explain in writing the applicant's compliance with each of the standards set forth above.~~

By Order of Council:

Derrick R. Wood, Mayor

Attest:

Tangi Hill, Town Clerk



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CHARTERED 1749 INCORPORATED 1961

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17739 Main Street, Suite 200

Dumfries, Virginia 22026

Tel: 703-221-3400/Fax: 703-221-3544

www.dumfriesva.gov

Staff Report

Zoning Text Amendment: To amend Chapter 70, Article IV of the Town Zoning Code to: Replace the Director of Planning & Community Development with the Town official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator for the review and approval of site plan applications and related actions.

PURPOSE

On June 20, 2023, the Town of Dumfries' Town Council adopted a resolution to initiate zoning text amendments to Chapter 70, Article IV (Site Plan) of the Town Zoning Code. The proposed zoning text amendments, if approved, will enable the Town of Dumfries Department of Planning and Community Development to approve site plans. As it currently stands, the Director of Planning and Community Development serves as the approval agent, however with this position vacant since the former Town Manager/ Acting Director of Planning and Community Development resigned no site plans can be formally stamped and approved. The proposed amendments would change the review and approval agent of site plans to the Town Official serving as Planning Director or, in the absence of the Planning Director, the Zoning Administrator. Included in the amendment is also the recommendation to repeal Sec. 70-547. – Waiver of Requirements, as it is inconsistent with current Va. Code §15.2-2286.

SUMMARY & RECOMMENDATION

The approval of zoning text amendments to Chapter 70, Article IV (Site Plan) of the Town Code will allow the Zoning Administrator to approve site plans if there is no Planning Director on staff. This enables there to always be an approval agent for such applications, as the role of Director of Planning and Community Development has changed titles over time depending on the organizational layout of the Town Manager. As such, staff recommends that the Town Council approve these zoning text amendments as referenced in the approval resolution.

STAFF CONTACT: Nick Cicero, Principal Planner- 703-221-3400 x 140.

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON JULY 11 2023, IN COUNCIL CHAMBERS, 17739 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Tyrone A. Brown, ____;
Brian K. Fields, ____;
Selonia B. Miles, ____;
Monae S. Nickerson, ____;
Shaun R. Peet, ____.
Caealina A. Peterson, ____;;
Derrick R. Wood, ____;

RESOLUTION TO APPROVE AN AMENDMENT FOR CONDITIONAL USE PERMIT, CUPA2019-003, TO ALLOW UP TO TEN ADDITIONAL GAMING MACHINES, NOT TO EXCEED 160 TOTAL MACHINES, TO THE EXISTING GAMING FACILITY AT 18059-18139 TRIANGLE SHOPPING PLAZA.

WHEREAS, Colonial Downs Group, LLC submitted a Conditional Use Permit Amendment application, CUPA 2019-003, to the Town of Dumfries Department of Planning and Community Development; and

WHEREAS, Town staff reviewed the Conditional Use Permit Amendment application, CUPA 2019-003 and scheduled the application to be reviewed by the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their July 10, 2023, meeting, recommended that Town Council adopt the Conditional Use Permit Amendment CUPA2019-003 for the Rosie's Gaming Emporium, and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on July 11, 2023; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Dumfries on this 11th day of July 2023, that the Conditional Use Permit Amendment application (CUPA2019-0013, as proposed by Colonial Downs, LLC is approved subject to the following conditions:

1. This Conditional Use Permit ("CUP") for a gaming facility is granted for and runs with the land indicated in this application, that is, an approximately 18,634 sq. ft. portion of 18059-18139 Triangle Shopping Center (currently with a unit address of 18103), Dumfries (GPIN #8188-68-8491), and this CUP is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s), location, and/or use(s) indicated on the General Development Plan for a Gaming Facility, known as Rosie's Gaming Emporium, prepared by Kimley-Horn and Associates, Inc., dated 1/21/2020 ("Generalized Development Plan"), that is, for pari-mutuel and simulcast wagering and accessory uses for these gaming uses.

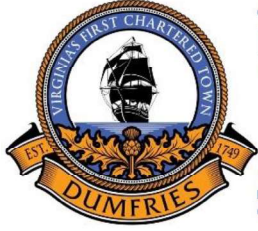
3. The Conditional Use Permit is subject to the requirements outlined in Section 70-7 of the Zoning Ordinance which authorizes gaming facilities; and requirements of a Building Permit as may be determined by the Town of Dumfries Department of Public Works. Building Permits issued pursuant to this Conditional Use Permit shall be in substantial conformance with approved General Development Plan and the development conditions established hereto.
4. The applicant must obtain a Certificate of Occupancy in accordance with current building & zoning regulations of Town of Dumfries & Virginia Statewide Uniform Building Code.
5. The maximum number of gaming historical horse racing (“HHR”) terminals shall not exceed 160.
6. The maximum hours of operation are: Sunday to Thursday 8 a.m. to 2 a.m., and Friday to Saturday 8 a.m. to 4 a.m.
7. Façade light lumens or brightness shall not exceed Town or Prince William County maximum.
8. The applicant shall provide a stop sign at each point of egress at each site access driveway prior to the issuance of a Certificate of Occupancy.
9. The final architectural design of the building must be consistent with the general architectural design provided on sheet A-300 of the Generalized Development Plan.
10. The applicant shall conform to the provisions outlined in the “Rosie’s Gaming Emporium Security Plan,” dated January 10, 2020. The applicant shall coordinate with Town of Dumfries Police Department to ensure compliance with these standards prior to the issuance of the Certificate of Occupancy.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST:

Tangi Hill, Town Clerk



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building
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Tel: 703-221-3400/Fax: 703-221-3544
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Staff Report

Conditional Use Permit, CUPA2019-003: To provide authorization of a conditional use permit amendment allow up to ten additional gaming machines, not to exceed 160 total machines, to the existing gaming facility at 18059-18139 Triangle Shopping Plaza.

APPLICANT

Colonial Downs Group, LLC
10515 Colonial Downs Parkway
New Kent, VA 23124

LOCATION

18103 Triangle Shopping Plaza
Dumfries, VA 22026
GPIN# 8188-68-8491

STAFF RECOMMENDATION

Staff recommends approval of CUPA2019-003, subject to the development conditions provided in attachment 1.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Town Council.

BACKGROUND

Conditional Use Permit

As outlined in Section 70-10 of the Town Zoning Ordinance, "*Conditional Use Permits may be granted by the Town Council for any of the uses for which a CUP is required by the Zoning Ordinance. In granting any such CUP, the Council may impose any such conditions in connection therewith as will assure that the use(s) will conform with the requirements contained herein and will continue to do so and may require a guarantee or bond to insure the conditions imposed are being and will continue to be complied with.*

A CUP shall not be issued unless the Council shall find that:

- 1. The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the*

neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.

2. *The proposal as submitted or modified will conform to the Comprehensive Plan for the Town or to specific elements of such Plan, and the official policies adopted in relation thereto, including the purposes and the express intent of this chapter.”*

A. Request - This request is to amend the existing conditional use permit, CUP2019-003, to allow up to 160 gaming terminals at the referenced location.

B. Site Location - The site is located within the Triangle Shopping Plaza, which is generally situated south of Main Street, north of Fraley Boulevard, and east of Curtis Drive/Graham Park. The site is currently developed with a 79,435 SF shopping center which was constructed in 1962. Access to the site is provided via two (2) site access driveways along Main Street and one (1) site access driveway along Fraley Boulevard. Table 1 and Figure 1 below show the surrounding areas zoning designations.

North- B-2, Neighborhood Business
East- PMUD, Planned Mixed Use District
South- B-1, General Business District
West- R-2, General Residential District

Table 1



Figure 1

C. Comprehensive Plan – As stated in the original staff report, this development will conform to the comprehensive plan goals as it encourages a mix of compatible uses that will help redevelop this strip mall. The positive results have been seen already, with the tax revenue that the existing gaming machines continue to collect being a catalyst for positive redevelopment within this shopping plaza and throughout the Town.

D. General Operations- No significant changes are being proposed as a part of this amendment. The only change that will occur will be the installation of up to 10 more gaming machines. No interior or exterior modifications will take place, as demonstrated in the updated floor plan below in Figure 2.

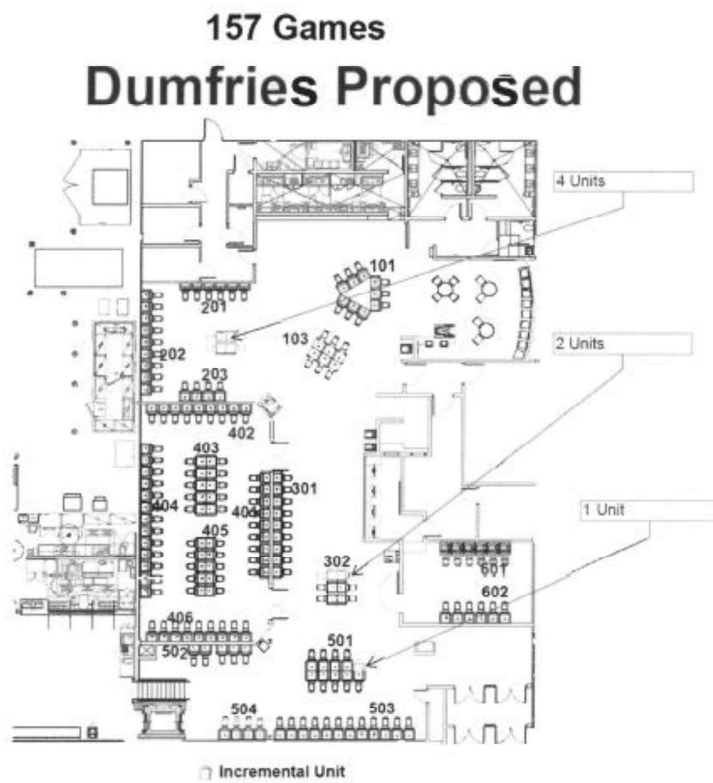


Figure 2

SUMMARY/CONCLUSION

Staff has determined that the proposed development is consistent with the Comprehensive Plan in fostering economic development and encouraging a mix of compatible uses. Staff also concludes that the proposed development conforms to the provisions of the Town Zoning Code and meets the intent of the B-1 zoning district in providing a compatible use that contributes to the mix and diverse nature of commercial uses currently provided in the B-1 zoning district.

Staff recommends approval of the Conditional Use Permit Amendment, CUPA2019-003, to allow up to ten additional gaming machines, not to exceed 160 total machines, to the existing gaming facility at 18059-18139 Triangle Shopping Plaza, subject to the development conditions provided in the approval ordinance and as attachment 1 to this report.

Attachments

1. Development Conditions
2. CUP2019-003 Staff Report

STAFF CONTACT: Nick Cicero, Principal Planner, 703-221-3400 x 140

Attachment 1

Proposed Development Conditions

CUPA2019-003

June 20, 2023

1. This Conditional Use Permit (“CUP”) for a gaming facility is granted for and runs with the land indicated in this application, that is, an approximately 18,634 sq. ft. portion of 18059-18139 Triangle Shopping Center (currently with a unit address of 18103), Dumfries (GPIN #8188-68-8491), and this CUP is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s), location, and/or use(s) indicated on the General Development Plan for a Gaming Facility, known as Rosie’s Gaming Emporium, prepared by Kimley-Horn and Associates, Inc., dated 1/21/2020 (“Generalized Development Plan”), that is, for pari-mutuel and simulcast wagering and accessory uses for these gaming uses.
3. The Conditional Use Permit is subject to the requirements outlined in Section 70-7 of the Zoning Ordinance which authorizes gaming facilities; and requirements of a Building Permit as may be determined by the Town of Dumfries Department of Public Works. Building Permits issued pursuant to this Conditional Use Permit shall be in substantial conformance with approved General Development Plan and the development conditions established hereto.
4. The applicant must obtain a Certificate of Occupancy in accordance with current building & zoning regulations of Town of Dumfries & Virginia Statewide Uniform Building Code.
5. The maximum number of gaming historical horse racing (“HHR”) terminals shall not exceed 160.
6. The maximum hours of operation are: Sunday to Thursday 8 a.m. to 2 a.m., and Friday to Saturday 8 a.m. to 4 a.m.
7. Façade light lumens or brightness shall not exceed Town or Prince William County maximum.
8. The applicant shall provide a stop sign at each point of egress at each site access driveway prior to the issuance of a Certificate of Occupancy.
9. The final architectural design of the building must be consistent with the general architectural design provided on sheet A-300 of the Generalized Development Plan.
10. The applicant shall conform to the provisions outlined in the “Rosie’s Gaming Emporium Security Plan,” dated January 10, 2020. The applicant shall coordinate with Town of Dumfries Police Department to ensure compliance with these standards prior to the issuance of the Certificate of Occupancy.

Attachment 2



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Staff Report

Conditional Use Permit, CUP2019-003-: To provide authorization of a conditional use permit to allow the use of a Gaming Facility within the General Business, B-1 zoning district at a property known as 18059-18139 Triangle Shopping Plaza (GPIN 8188-77-4490).

To: Town of Dumfries Town Council
From: William Capers III., PTP, Director of Planning and Community Development
Date: February 4, 2020

APPLICANT

Colonial Downs Group, LLC
10515 Colonial Downs Parkway
New Kent, VA 23124

LOCATION

18103 Triangle Shopping Plaza
Dumfries, VA 22026
GPIN# 8188-68-8491

PROPOSAL

Approval of a Conditional Use Permit (CUP) to allow the development of an 18,364 Square Foot (SF) Gaming Facility in the General Business, B-1 zoning district.

STAFF RECOMMENDATION

Staff recommends approval of CUP 2019-003, subject to the approval of the proposed development conditions consistent with those provided in Appendix A.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Town Council.

DESCRIPTION OF THE APPLICATION

The applicant, Colonial Downs Group, LLC, requests the approval of a CUP to permit the use of
Staff report: CUP 2019-003

an 18,364 SF Gaming Facility at Triangle Plaza located at 18103 Triangle Shopping Plaza. Once constructed, the site will include 5,755 SF of pari-mutuel and simulcast gaming space which will include a maximum of 150 historical horse racing (HHR) terminals, 1,720 SF of food service space, 1,290 SF of gaming support/retail, a 630 SF bar area and 8,770 SF of office/flex/support space. The proposed Gaming Facility will operate Sunday- Thursday from 8:00 AM-2:00 AM and Friday-Saturday 8:00AM-4:00 AM.

LOCATION AND CHARACTER

The site is located within the Triangle Shopping Plaza, which is generally situated south of Main Street, north of Fraley Boulevard, and east of Curtis Drive/Graham Park. The site is currently developed with a 79,435 SF shopping center which was constructed in 1962. Access to the site is provided via two (2) site access driveways along Main Street and one (1) site access driveway along Fraley Boulevard.

As shown in figure 1, the site is generally surrounded by non-residential uses to the immediate east of the site zoned in the Business Neighborhood, B-2 zoning district, and properties to the immediate south/southeast of the site zoned in the General Business, B-1 zoning district . To the north of the site across southbound Route 1 (Main Street) are single family detached houses zoned in the R-2 General Residential district.

Figure 1



ZONING ORDINANCE PROVISIONS

On January 7, 2020, the Town of Dumfries Town Council approved a zoning text amendment (ZTA 2019-004-02) to amend the Town Zoning Code to allow the use of a Gaming Facility (as amended and defined) as an allowable use in the Business, General B-1 Zoning District pursuant to approval of a conditional use permit. The evaluation of CUP 2019-003 was based on the provisions outlined in the Town of Dumfries Zoning Code to ensure that the health, safety and general welfare of the Town will not be adversely impacted by the proposed development.

§70-10- Conditional Use Permits

Conditional Use Permits may be granted by the Town Council for any of the uses for which a CUP is required by the Zoning Ordinance. In granting any such CUP, the Council may impose any such conditions in connection therewith as will assure that the use(s) will conform with the requirements contained herein and will continue to do so, and may require a guarantee or bond to insure the conditions imposed are being and will continue to be complied with. A CUP shall not be issued unless the Council shall find that:

1. The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.

2. The proposal as submitted or modified will conform to the Comprehensive Plan for the Town or to specific elements of such Plan, and the official policies adopted in relation thereto, including the purposes and the express intent of this chapter.

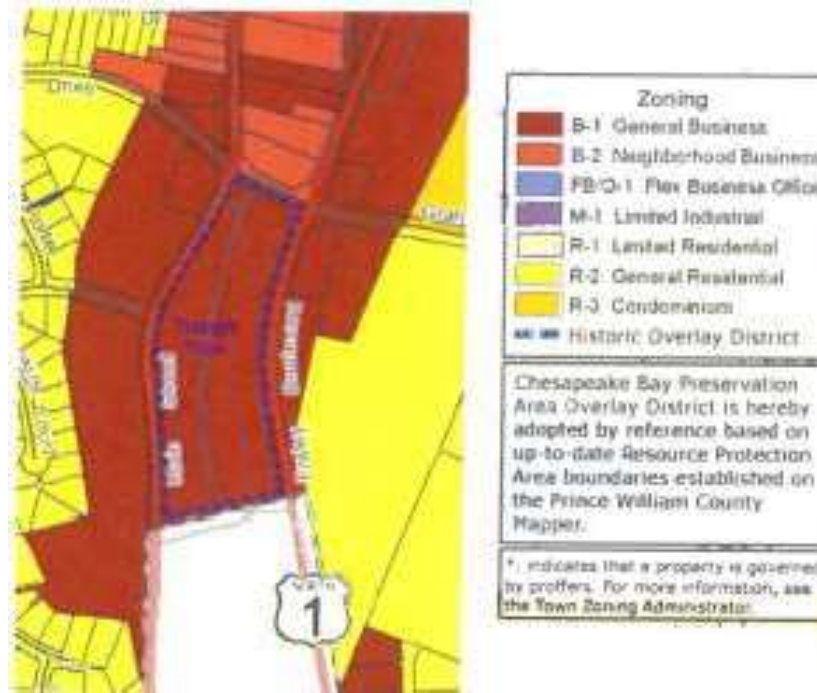
Chapter 70, Division 6. Business, General District, B-1, §70-247 (B)

The Town of Dumfries Zoning Ordinance states that the intent of the B-1 zoning district *“is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, or noise associated with manufacturing.”*

As shown in Figure 2, the proposed Gaming Facility will be developed in the B-1 district, which is generally located along State Route 1, which is a regional arterial roadway that provides access to various scales of business facilities in the Town. The proposed Gaming Facility use

is commercial in nature and is a compatible use that is unique to the mix variety of commercial uses in the B-1 district but will contribute to the diverse business options within the Town.

Figure 2



COMPREHENSIVE PLAN PROVISIONS

The Town of Dumfries Comprehensive Plan (“The Plan”) 2014, Redevelopment goals, Page 97 “encourages the redevelopment of existing strip commercial development that fosters economic development and encourages a mix of compatible uses which are attractive and well designed.”

The proposed Gaming facility is unique to the current uses permitted within the B-1 district but will conform to the Plan goals in encouraging a mix of compatible uses that will help redevelop the traditional strip commercial concept which currently exists. The proposed development is anticipated to create opportunities for economic development in keeping with the Plan goals.

The applicant indicates that the Rosie’s Gaming Emporium is expected to create 150 new jobs, with an average annual salary of \$47,000, and will also generate an estimated gaming tax revenue of \$640,000 a year.

GENERAL OPERATIONS

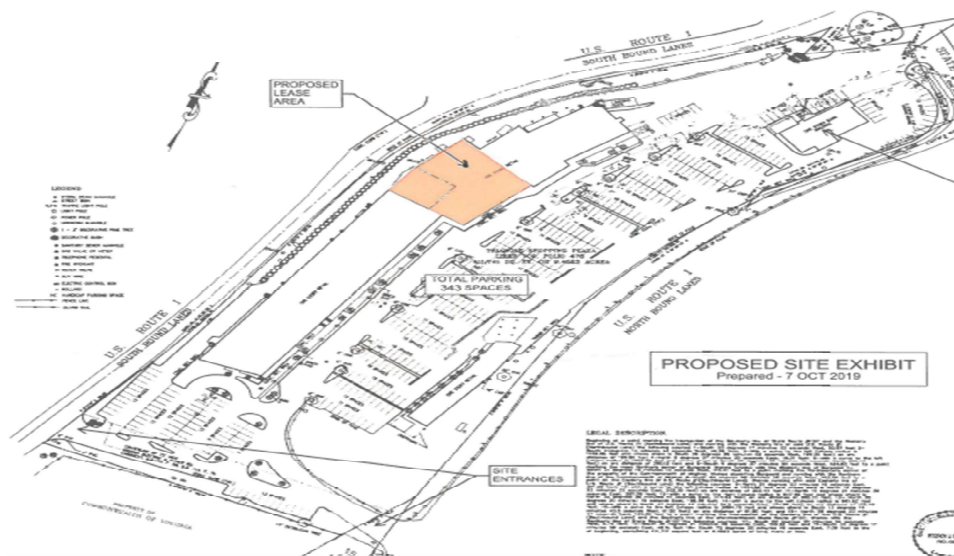
As previously noted, when constructed, Rosie's Gaming Emporium will include a maximum of 150 HHR terminals, 1,720 SF of food service space, and a 630 SF bar area. The general hours of operations for the proposed use will be from Sunday- Thursday from 8:00 AM-2:00 AM and Friday-Saturday 8:00AM-4:00 AM which extends beyond the general hours of the existing commercial businesses in the Triangle Plaza Shopping Center. During the initial review of the CUP application, staff identified that the current lighting and associated facilities were not sufficient for the late operations of the proposed development. To address staff concerns, the applicant indicated that the shopping center owners, Curtis Properties, Inc. (Owners) made substantial upgrades to the parking lot lighting. These upgrades included an increase to the wattage outputs from 300 per fixtures to 1000 per fixture. The average and maximum foot candles prior to the upgrades were 0.59 and 7.0 respectively. As shown in the Photometric Plans dated January 2, 2020, the average and maximum foot candles are now 2.55 and 32.7 respectively. The Phonemic Study is shown in Appendix B.

As it pertains to the security operations for the proposed development, the applicant submitted as part of the CUP application a "security plan" that outlines various improvements to enhance safety and security awareness while on site. The applicant indicates that the provisions outlined in the "security plan" has been coordinated and reviewed by the Town of Dumfries Police Department. The Security Plan is Shown in Appendix C.

SITE LAYOUT

As shown in the General Development Plan depicted in figure 3, the proposed gaming facility will occupy a portion of the existing 79,435 SF shopping center in a leasable space shown in the shaded area of the plans. The proposal does not include any alterations to the physical layout or modifications to the building footprint of the leasable area. All modifications will be made internally with the exception of the proposed façade treatments described in the Architecture and Design section.

Figure 3



Access to the property is provided by three (3) access driveways along the southbound section of Route 1, one (1) access driveway along Curtis Drive, and one (1) access driveway along the northbound section of Route 1. It is important to note that staff observed, during a field observation, that there are no existing stop signs at the point of egress at each of the access driveways. Regarding internal circulation, the site current layout includes inter-parcel access connections from the northern section to the southern section of the shopping center.

The shopping center currently provides a total of 343 parking spaces which are all located internal to the site. The site layout also includes a loading and dumpster area for each commercial business generally located in the rear of the properties. Kimely Horn developed a parking analysis memo, dated January 1, 2020, which showed that during the observed peak parking occupancy of the existing shopping center, all of the 343 parking spaces were not used, with peak occupancy rates during the weekday PM peak and Saturday peak period of 25% and 17% occupancy, respectively. The parking memo concludes that the surplus in parking will be able to provide the capacity for the anticipated parking demand for the proposed development. The Parking Study is shown in Appendix D.

ARCHITECTURE AND DESIGN

The proposed development will include improvements to the current façade of the existing building. Modifications to the existing structure will include architectural elements that will strengthen the entertainment character of the proposed use and enhance the traditional commercial strip mall design of the overall shopping center. Such improvements will include fiber cement siding, stucco finishing, perforated screen metal, and illuminated signage. Renderings of the proposed façade are shown in Figure 4.

Figure 4



TRANSPORTATION

As part of the CUP application, the applicant submitted a Traffic Impact Analysis (TIA) conducted by Kimley Horn dated January 2020. The parameters, scope and review of the TIA were conducted by the Town of Dumfries and the Virginia Department of Transportation (VDOT). The analysis indicated that the proposed development will continue to impact the operations at the intersection of Curtis Drive and Southbound Route 1. The Town of Dumfries in coordination with VDOT has planned infrastructure improvements for Route 1 within the boundary limits of the Town of Dumfries to include intersection improvements at the intersection of Curtis Drive and Route 1 South. Staff recommends that the applicant provide a pro-rata share contribution for future roadway improvements for Route 1 and the Curtis Drive Intersection to offset the proposed traffic impacts to the road network.

SUMMARY & RECOMMENDATION

Staff has determined that the proposed development is in harmony with the Comprehensive Plan in fostering economic development and encouraging a mix of compatible uses. Staff also concludes that the proposed development conforms to the provisions of the Town Zoning Code, and meets the intent of the B-1 zoning district in providing a compatible use that contributes to the mix and diverse nature of commercial uses currently provided in the B-1 zoning district.

Staff recommends approval of CUP 2019-003, subject of the development conditions dated January 28, 2020 provided in Appendix A.

APPENDICES

- A. Development Conditions
- B. Photometric Study
- C. Security Plan
- D. Parking Study
- E. VDOT Memo
- F. Department of Public Works Memo
- G. Dumfries Police Department Memo

STAFF CONTACT: William Capers III, Director of Planning and Community Development- 703-221-3400 x 115.

APPENDIX A

Proposed Development Conditions

CUP 2019-003

January 28, 2020

1. This Conditional Use Permit (“CUP”) for a gaming facility is granted for and runs with the land indicated in this application, that is, an approximately 18,634 sq. ft. portion of 18059-18139 Triangle Shopping Center (currently with a unit address of 18103), Dumfries (GPIN #8188-68-8491), and this CUP is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s), location, and/or use(s) indicated on the General Development Plan for a Gaming Facility, known as Rosie’s Gaming Emporium, prepared by Kimley-Horn and Associates, Inc., dated 1/21/2020 (“Generalized Development Plan”), that is, for pari-mutuel and simulcast wagering and accessory uses for these gaming uses.
3. The Conditional Use Permit is subject to the requirements outlined in Section 70-7 of the Zoning Ordinance which authorizes gaming facilities; and requirements of a Building Permit as may be determined by the Town of Dumfries Department of Public Works. Building Permits issued pursuant to this Conditional Use Permit shall be in substantial conformance with approved General Development Plan and the development conditions established hereto.
4. The applicant must obtain a Certificate of Occupancy in accordance with current building & zoning regulations of Town of Dumfries & Virginia Statewide Uniform Building Code.
5. The maximum number of gaming historical horse racing (“HHR”) terminals shall not exceed 150.
6. The maximum hours of operation are: Sunday to Thursday 8 a.m. to 2 a.m., and Friday to Saturday 8 a.m. to 4 a.m.
7. Façade light lumens or brightness shall not exceed Town or Prince William County maximum.
8. The applicant shall make a pro-rata contribution to transportation roadway improvements along Route 1 & Curtis Drive & Main Street in the amount of \$100,000.00. The contribution should be paid prior to the issuance of the Certificate of Occupancy.
9. The applicant shall provide a stop sign at each point of egress at each site access driveway prior to the issuance of a Certificate of Occupancy.
10. The final architectural design of the building must be consistent with the general architectural design provided on sheet A-300 of the Generalized Development Plan.
11. The applicant shall conform to the provisions outlined in the “Rosie’s Gaming Emporium Security Plan,” dated January 10, 2020. The applicant shall coordinate with Town of Dumfries Police Department to ensure compliance with these standards prior to the issuance of the Certificate of Occupancy.

APPENDIX B

Colonial Downs Group, LLC
Rosie's Gaming Emporium, Dumfries
January 10, 2020

Photometric Study
January 2, 2020



Luminaire Symbol	Qty	Label	Arrangement	Total amp Lumens	L.F.	Description
	3	1329 LEDB-300-CA-1-40-T3	1 @ 30 DEGREES	1	1,000	TYPICAL LED F. 0000 IS/IT

Calculation Summary		Avg	Max	Min	Avg Min	Max Min
Label	Foot Type	Foots	Foots	Foots	Foots	Foots
PTS ON GROUND	ILLUMINANCE	FC	FC	FC	FC	FC
		2.55	30.7	0.0	0.0	N/A

ASSUMING 1 LIGHTLOSS DEPRECIATION
SHOWING 40 DEGREE FOOT CANDLE LOCATIONS
ASSUMING 30 FOOTING HEIGHT
ISOLINES REPRESENT 0.5 & 1.0 FC
PHOTOMETRICS SHOWN ARE ESTIMATED BASED ON A FIXTURE OF SIMILAR PERFORMANCE

APPENDIX C

Colonial Downs Group, LLC
Rosie's Gaming Emporium, Dumfries
January 10, 2020

Security Plan

January 10, 2020

Colonial Downs Group, LLC

Rosie's Gaming Emporium, Dumfries

Security Improvement Plan

January 10, 2020

The Colonial Downs Group, llc (CDG) intends on making the following life safety and security improvements during the interior remodel of the proposed site in the Triangle Plaza, Dumfries, VA.

Security

- The Vice President of Security for CDG has been in contact with local law enforcement and will coordinate the confidential operational security planning.
- The property will be continuously monitored by digital security cameras. Our cameras cover the inside and outside of the building. On and off-site personnel monitor video of the property 24 hours a day.
- All critical and life safety systems are connected to an Uninterruptible Power Supply (UPS) and emergency generator backup to ensure uninterrupted and sustained power.
- Non-guest areas are secured with electronic and keyed access control.
- All team members will receive Responsible Gaming training with the goal of maximizing the knowledge of problem gambling resources and awareness.
- A security podium will be located at the entrance to verify all guests are 18 years old or older and to ensure compliance with our code of conduct (dress code, etc.). Security utilizes ID scanners to verify the validity of identification offered by guests.
- Security officers will be located throughout the property at all times.
- The Security team will have an Emergency Response Plan (ERP) and train all security team members as it relates to their specific role(s) during an emergency or crisis to protect the health and safety of guests and team members.
- The leased facilities will be updated to ensure all life safety code requirements are met.
- All critical life safety equipment will be updated to include quick release sprinkler heads within gaming facility and FM200 fire suppression in data center.
- Off-duty law enforcement will be contracted, as necessary, during peak and/or late-night periods.
- The property will be updated to ensure ADA compliance to include the addition of a LULA elevator lift.
- Work with property owner to upgrade lighting to meet a minimum of 2.0 fc as recommended by Prince William County CPTED.
- All food, beverage and security team members will be trained in responsible alcohol service.
- The property maintains 24-hour security coverage at all times. This includes a dedicated security dispatch position. Security personnel also patrol and monitor the exterior of the building.
- Security managers maintain regular contact with local law enforcement regarding intelligence and operational matters.
- CDG Security Officers receive 24 hours of training, exceeding the state requirement of 18 hours.
- All security officers are trained in first aid, CPR and AED.

APPENDIX D

MEMORANDUM

To: Mr. Stefan Huba
Chief Development Officer
Colonial Downs Group, LLC
200 South 10th Street, Suite 1020
Richmond, VA 23219

From: Alex Shoemaker, P.E.
Wes Pierce, EIT
Kimley-Horn and Associates, Inc.

Date: January 1, 2020

Subject: Colonial Downs Off Track Betting Facility Triangle Shopping Plaza
Parking Analysis Memorandum
Kimley-Horn Project #117503005

Introduction

Kimley-Horn was retained to perform a parking analysis and identify future parking demands associated with the proposed Colonial Downs Off Track Betting Facility at Triangle Shopping Plaza (referred to as the “project” or “proposed development” throughout the remainder of the memorandum) in the Town of Dumfries, Virginia. The project consists of redeveloping an existing unit of the shopping plaza to a proposed satellite wagering facility. The proposed site will operate with 150 Off Track Betting (OTB) machines within an approximate 18,364 square foot (S.F.) gaming floor area. A conceptual site plan is included as **Attachment A**.

The intent of this parking analysis is to review the estimated site parking requirements based on parking observations, anticipated parking demand, and the Town of Dumfries parking code. The parking analysis consisted of an evaluation of parking space requirements, anticipated parking demand of the proposed project, and identification of shared parking opportunities.

Existing Parking Inventory and Parking Observations

As part of this analysis, Kimley-Horn conducted an existing inventory of the Triangle Shopping Plaza’s parking supply and demand. Occupancy counts were conducted between 3:45 PM and 6:15 PM on December 17, 2019 (i.e., weekday) and between 7:30 PM and 9:30 PM on December 21, 2019 (i.e., Saturday). During these counts, the total parking supply of the Triangle Shopping Plaza was confirmed to contain 343 total parking spaces. This total parking supply is open for use for the entire 79,435 S.F. of retail/office space located within the property.

The Triangle Shopping Plaza was divided into four parking areas to simplify the observations as shown in **Figure 1**. Detailed counts of the weekday and Saturday occupancies during 15-minute observation periods are included as **Attachment B**. The resulting weekday and Saturday peak hours were kept consistent with the Traffic Impact Analysis (TIA) being prepared for the development (i.e., 4:30 PM to 5:30 PM and 8:00 Pm to 9:00 PM, respectively). Peak hour occupancy counts during the weekday and Saturday are provided in **Table 1**. This data represents the highest number of parked vehicles observed during the individual 15-minute time periods within the corresponding peak hours.

Table 1: Peak Hour Parking Occupancy

Parking Areas	Parking Supply	Weekday Peak Hour (4:30 PM to 5:30 PM)		Saturday Peak Hour (8:00 PM to 9:00 PM)	
		Number of Occupied Spaces	Percent Occupied	Number of Occupied Spaces	Percent Occupied
McDonalds Lot	28	12	43%	7	25%
North Lot	131	26	20%	19	15%
Middle Lot	110	33	30%	29	26%
Southern Lot	74	14	19%	2	3%
Total	343	85	25%	57	17%

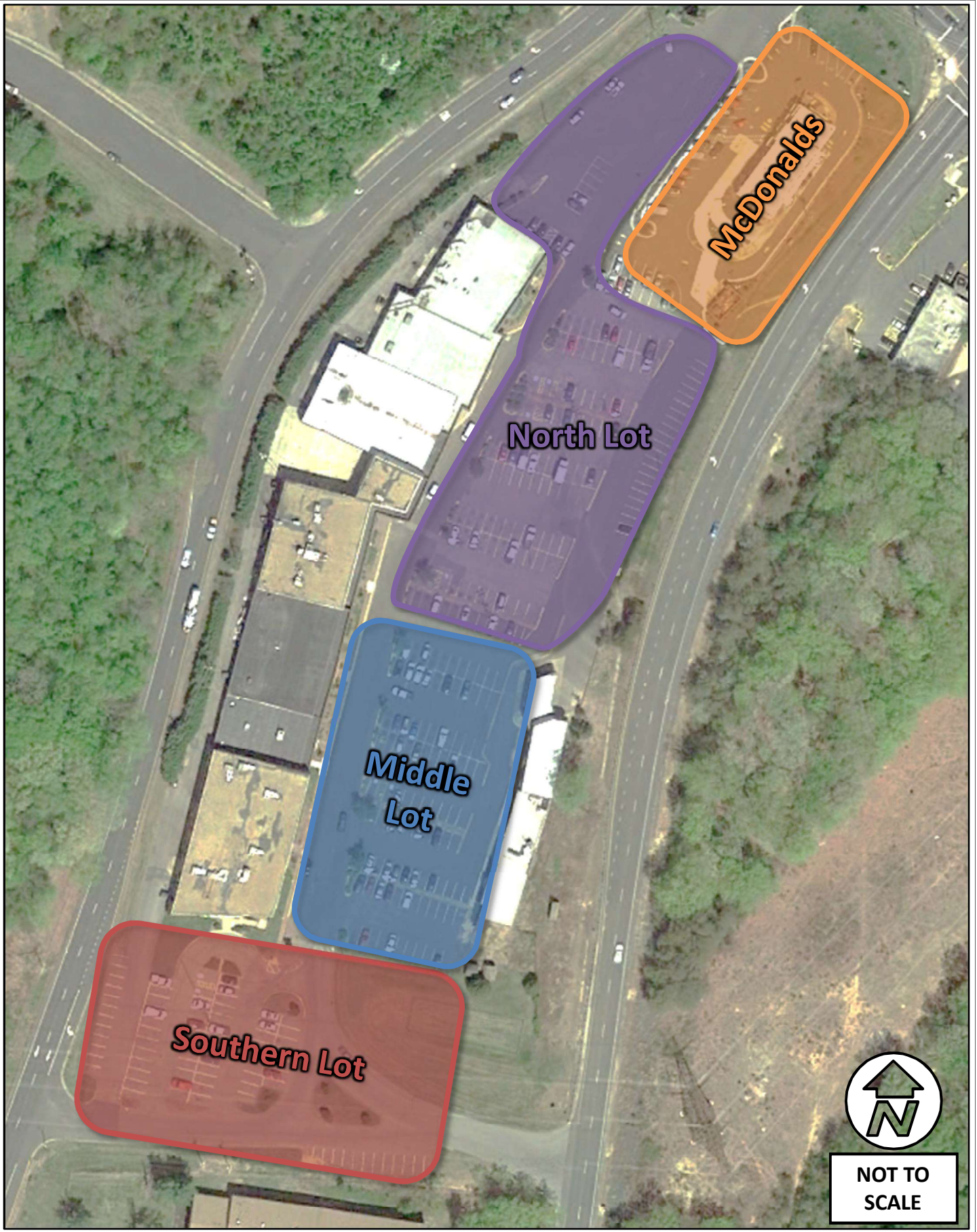
Based on the parking occupancy counts, approximately 25% of the total parking spaces were occupied in the Triangle Parking Plaza under the weekday PM peak period. During the Saturday observations, approximately 17% of the total parking spots were occupied. It should also be noted that the counts were conducted in December just before the holidays, so it is anticipated that the retail stores in the Triangle Shopping Plaza were busier than expected on a typical day.

Town of Dumfries Parking Code

Table 2 summarizes the current parking requirements for the Town of Dumfries, per Section 70-13 of the zoning ordinance. Based on the Town’s zoning ordinance, the shopping center currently does not meet the total number of spaces required and is short by 13 spaces.

Table 2: Zoning Ordinance Total Triangle Shopping Plaza Parking Requirements

Land Use	Intensity	Requirement	Required Spaces
Shopping Center	54,313 S.F.	1 space per 200 S.F.	272
Office Space	25,122 S.F.	1 space per 300 S.F.	84
Total Required Parking Spaces			356
Available Parking Spaces			343
Difference			-13



Future Parking Requirements

As previously noted, the proposed redevelopment will consist of 18,364 S.F. of a satellite wagering facility. Due to the unique nature of the proposed development, the most comparable land use to the proposed development in the Town’s zoning ordinance is “retail”, which requires a minimum of 1 space per 200 square foot (S.F.). The Town’s code has a classification of “Other”, which also utilizes a minimum requirement of 1 space per 200 S.F. **Table 2** reflects that the minimum parking requirement for the proposed development using the retail land use is 92 spaces.

Table 3: Zoning Ordinance Proposed Development Parking Requirements

Land Use	Intensity	Requirement	Required Spaces
Retail/Other	18,364 S.F.	1 space per 200 S.F.	92

The *ITE Parking Generation Manual 5th Edition* was used to estimate the potential peak period parking demand for the proposed development, as summarized in **Table 4**. The casino/video lottery establishment land use (ITE Land Use Code 473) was determined to be the most appropriate for the proposed site, based on the available data, resulting in a peak period demand of 107 spaces. It should be noted that this number is anticipated to be more conservative than what is expected for the proposed development in this application, as the sample sites used in the *ITE Parking Generation Manual* were larger in size and included a hotel component.

Additionally, only weekend data (i.e., Friday through Sunday) were available from the *ITE Parking Generation Manual*, and it is expected that weekday operations would result in a lower parking demand for the proposed development. Based on data provided by the applicant, and included in **Attachment C**, average weekday attendance numbers were calculated to be approximately 60% of an average Friday’s attendance. Therefore, the ITE’s parking generation demand was adjusted to more accurately represent a typical weekday peak parking demand, as shown in **Table 4**.

Table 4: Proposed Development Parking Demand

Land Use	Intensity	Peak Period Parking Demand
Casino/Video Lottery Establishment (Friday)	18,364 S.F.	107
Casino/Video Lottery Establishment (Weekday)	(60% of Friday)	65

From the data provided by the applicant, peak visitation consistently occurs between 8:00 PM and 10:00 PM for weekend operations. The peak period of the proposed development does not

occur during the peak periods of the other uses within the Triangle Shopping Plaza (i.e., shopping center/retail/small office). As a result, a portion of the 343 total parking spaces in the Triangle Shopping Plaza would also be able to support the demand for the proposed site without any additional parking spaces needed (i.e., “shared parking”). Therefore, the anticipated demand of the proposed development is generally consistent with the Town’s code.

To confirm that the anticipated parking demand of the proposed development would not significantly impact the shopping center’s current supply of spaces, the potential peak period parking demand was added to the corresponding observed occupied spaces for the weekday and Saturday parking counts. **Table 5** summarizes the peak hour parking demand with the proposed development and the surplus of available parking spaces.

Table 5: Peak Hour Parking Demand with the Proposed Development

Peak Hour Analysis	Parking Supply	Observed Occupied Parking Spaces	Parking Demand of the Proposed Development	Total Parking Demand	Percent Occupied Spaces	Parking Surplus
Weekday Peak	343	85	65	150	44%	193
Saturday Peak		57	107	164	49%	179

The proposed development weekday peak hour parking demand is anticipated to result in 150 occupied parking spaces within the shopping center, leaving a surplus of 193 parking spaces. During the Saturday peak period, 164 parking spots are expected to be occupied, with 179 surplus available parking spaces.

Lastly, the overall parking demand of the Triangle Shopping Plaza was considered with and without the proposed development located in the available 18,364 S.F. of space. **Table 6** shows the estimated parking demand of the entire Triangle Shopping Plaza without the proposed development (i.e., By-Right) compared to the Town’s zoning ordinance. **Table 7** shows the estimated parking demand with the proposed development compared to the Town’s zoning ordinance. Under either scenario, the parking demand of the shopping center is less than the available supply of parking (as illustrated with the negative green numbers in the tables). This means that the current supply of parking at shopping center is still capable of sustaining the project parking demand.

Table 6: Overall Triangle Shopping Center Demand (By-Right)

Uses (LU Code)	Intensities	Minimum Required Parking (Town Code)	Actual Parking Supply	Parking Generation Demand		Projected Supply vs Demand	
				Weekday	Saturday	Weekday	Saturday
Shopping Center (820)	54,313 S.F.	272	343	181	190		
Office Space (710)	25,122 S.F.	84		89	7		
Total	79,435 S.F.	356		270	197	-73	-146

Table 7: Overall Triangle Shopping Center Demand (with Proposed Development)

Uses (LU Code)	Intensities		Minimum Required Parking (Town Code)	Actual Parking Supply	Parking Generation Demand		Projected Demand vs Supply	
					Weekday	Saturday	Weekday	Saturday
Shopping Center (820)	35,949	S.F.	180	343	154	139		
Office Space (710)	25,122	S.F.	84		89	7		
Proposed Development (473)	18,364	S.F.	92		65	107		
Total	79,435	S.F.	356		308	253		

Conclusions

Conclusions from the parking analysis performed consist of the following:

- 1) The existing parking inventory of 343 parking spaces for the Triangle Shopping Plaza, is less than the Town’s code by 13 spaces
- 2) Parking occupancy counts resulted in:
 - a. the current shopping center parking demand during a typical weekday evening is 25% (i.e., 85 occupied spaces)
 - b. the current shopping center parking demand during a typical Saturday evening is 17% (i.e., 57 occupied spaces)
- 3) Projected parking demand for the proposed development indicates that:
 - a. the proposed OTB development has a conservative peak period parking demand of 107 spaces during the weekend peak, which is also generally consistent with the Town’s current code (i.e., Retail Use – 1 space per 200 S.F.)
 - b. the proposed OTB development weekday parking demand is anticipated to be approximately 60% of the weekend peak demand, resulting in a parking demand of 65 spaces
- 4) The peak period for the proposed development is normally between 8:00 PM to 10:00 PM, often when many retail shops and offices are preparing to close or after they have closed. This allows for opportunities of “shared parking” as patrons to the proposed OTB development can utilize these additional vacant parking spaces for extra capacity if needed.
- 5) The overall parking supply is projected to be sufficient for the full build out of the shopping center (with or without the proposed OTB development) during the weekday and Saturday peak hours.

Based on these findings, the current parking supply of the Triangle Shopping Plaza is anticipated to be more than adequate to support the parking demands associated with the proposed OTB development. No additional modifications are needed to increase the available number of parking spaces within the current parking field.

ATTACHMENT A
CONCEPTUAL SITE PLAN

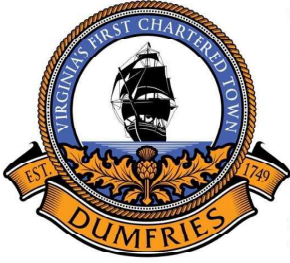
ATTACHMENT B
SUMMARY OF PARKING OCCUPANCY COUNTS

Weekday Occupancy Counts				
Parking Area	Number of Vacant Spaces	Number of Occupied Spaces	Number of Vehicles Parked Illegally	Percent of Total Occupied
Time of Counts - 3:45 PM-4:00 PM				
Mcdonalds Lot	14	14	0	50%
North Lot	101	30	3	25%
Middle Lot	76	34	0	31%
Southern Lot	61	13	0	18%
Total	252	91	3	27%
Time of Counts - 4:00 PM-4:15 PM				
Mcdonalds Lot	20	8	0	29%
North Lot	107	24	4	21%
Middle Lot	77	33	0	30%
Southern Lot	60	14	0	19%
Total	264	79	4	24%
Time of Counts - 4:15 PM-4:30 PM				
Mcdonalds Lot	17	11	0	39%
North Lot	103	28	1	22%
Middle Lot	74	36	0	33%
Southern Lot	60	14	0	19%
Total	254	89	1	26%
Time of Counts - 4:30 PM-4:45 PM				
Mcdonalds Lot	16	12	0	43%
North Lot	105	26	1	21%
Middle Lot	77	33	2	32%
Southern Lot	60	14	0	19%
Total	258	85	3	26%
Time of Counts - 4:45 PM-5:00 PM				
Mcdonalds Lot	14	14	0	50%
North Lot	111	20	2	17%
Middle Lot	80	30	1	28%
Southern Lot	61	13	0	18%
Total	266	77	3	23%
Time of Counts - 5:00 PM-5:15 PM				
Mcdonalds Lot	15	13	0	46%
North Lot	113	18	0	14%
Middle Lot	83	27	2	26%
Southern Lot	62	12	0	16%
Total	273	70	2	21%
Time of Counts - 5:15 PM-5:30 PM				
Mcdonalds Lot	21	7	0	25%
North Lot	106	25	1	20%
Middle Lot	77	33	1	31%
Southern Lot	62	12	0	16%
Total	266	77	2	23%
Time of Counts - 5:30 PM-5:45 PM				
Mcdonalds Lot	17	11	0	39%
North Lot	108	23	1	18%
Middle Lot	80	30	2	29%
Southern Lot	67	7	0	9%
Total	272	71	3	22%
Time of Counts - 5:45 PM-6:00 PM				
Mcdonalds Lot	19	9	0	32%
North Lot	109	22	1	18%
Middle Lot	79	31	0	28%
Southern Lot	72	2	0	3%
Total	279	64	1	19%
Time of Counts - 6:00 PM-6:15 PM				
Mcdonalds Lot	18	10	0	36%
North Lot	109	22	0	17%
Middle Lot	75	35	0	32%
Southern Lot	73	1	0	1%
Total	275	68	0	20%

Saturday Occupancy Counts				
Parking Area	Number of Vacant Spaces	Number of Occupied Spaces	Number of Vehicles Parked Illegally	Percent of Total Occupied
Time of Counts - 7:30 PM-7:45 PM				
Mcdonalds Lot	21	7	0	25%
North Lot	112	19	0	15%
Middle Lot	81	29	1	27%
Southern Lot	72	2	0	3%
Total	286	57	1	17%
Time of Counts - 7:45 PM-8:00 PM				
Mcdonalds Lot	19	9	0	32%
North Lot	112	19	0	15%
Middle Lot	82	28	1	26%
Southern Lot	73	1	0	1%
Total	286	57	1	17%
Time of Counts - 8:00 PM-8:15 PM				
Mcdonalds Lot	21	7	0	25%
North Lot	112	19	2	16%
Middle Lot	87	23	1	22%
Southern Lot	73	1	0	1%
Total	293	50	3	15%
Time of Counts - 8:15 PM-8:30 PM				
Mcdonalds Lot	19	9	0	32%
North Lot	111	20	1	16%
Middle Lot	94	16	3	17%
Southern Lot	73	1	0	1%
Total	297	46	4	15%
Time of Counts - 8:30 PM-8:45 PM				
Mcdonalds Lot	22	6	0	21%
North Lot	117	14	3	13%
Middle Lot	100	10	2	11%
Southern Lot	73	1	1	3%
Total	312	31	6	11%
Time of Counts - 8:45 PM-9:00 PM				
Mcdonalds Lot	24	4	0	14%
North Lot	119	12	0	9%
Middle Lot	98	12	2	13%
Southern Lot	73	1	0	1%
Total	314	29	2	9%
Time of Counts - 9:00 PM-9:15 PM				
Mcdonalds Lot	22	6	4	36%
North Lot	116	15	0	11%
Middle Lot	100	10	1	10%
Southern Lot	73	1	1	3%
Total	311	32	6	11%
Time of Counts - 9:15 PM-9:30 PM				
Mcdonalds Lot	22	6	0	21%
North Lot	119	12	1	10%
Middle Lot	101	9	4	12%
Southern Lot	73	1	0	1%
Total	315	28	5	10%

**ATTACHMENT C
ATTENDANCE DATA**

APPENDIX E



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town

CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building

17739 Main Street, Suite 200

Dumfries, Virginia 22026

Tel: 703-221-3400/Fax: 703-221-3544

www.dumfriesva.gov

MEMORANDUM

DATE: January 24, 2020

TO: Stefan Huba
Chief Development Officer
Colonial Downs Group

FROM: William Capers III., PTP
Director of Planning and Community Development
Town of Dumfries

RE: Rosie's Gaming Emporium Traffic Impact Analysis

This memo is regarding the Rosie's Gaming Emporium Traffic Impact Analysis (TIA) dated January 2020 as well comments provided by staff on January 15, 2020. Staff has reviewed the comment response letter dated January 24, 2020 and offer the following comments:

Comment 1: We'd like to highlight that the 4% mentioned only represents 1 hour, of 1 day, during the site's projected peak hour of operations. As it was noted, the weekday peak hour (which also generally represents 1 hour for 5 days of the week) has a contribution of only 1.8%. Based on the data provided in our analysis:

- 90% of our entering site traffic would be using this intersection (US 1 SB at Graham Park).
- This results in a total of 368 daily site trips on a Saturday and 315 daily site trips on a weekday at this intersection.
- Average Annual Daily Trips for US 1 is 15,000 vehicles per day (per VDOT count books- best data we have available at this time).
- This results in Daily % of site traffic estimated to be:
 - o Saturday = 2.5%
 - o Weekday = 1%

Furthermore, 4% of site traffic represents 60 new vehicles being added to the network at this intersection, while 1.8% represents 34 vehicles. Based on the results of the operational analysis (i.e., little to minor increases in LOS or MAX queues), we do not see any significant impact being attributed to the proposed development.

Staff Response: *It is general practice in a staff review of a TIA for a development proposal to consider the worst one-hour period of future traffic generated by a new development in order to*

develop the most conservative assessment of the proposed traffic impacts to the road network. Plan improvements and mitigations are generally assumed and implemented based on the highest impact period. In considering the impacts of a proposed development, staff considers several factors to determine future operations of a network and to examine what mitigations strategies are needed to offset the impact caused by a new use. Though the study indicated that the Curtis Drive/Route 1 South intersection will continue to operate at an acceptable LOS, the analysis also showed excessive queueing along the SB approach of the intersection that exceeded the available storage and blocked several intersections/driveways along Route 1. This is a condition that is not only shown by the calculated queues provided in the referenced study but is consistent with existing field conditions and is experienced by travelers during the peak periods. The analysis also showed that with the addition of the proposed development, these conditions will worsen and will further exacerbate the queueing along this approach. Given the cycle length at this intersection, engineering judgement could be used to determine that the excessive queueing will not be cleared at this approach within a cycle. As indicated in staff's previous comments, the Town of Dumfries has planned road improvements for Route 1 to include intersection improvements at the Curtis Drive/Route 1 South intersection to mitigate congestion. In this staff will continue to request that the applicant provides their pro-rata share to offset the projected impacts as depicted in the TIA as a condition of approval.

Comment 2: We adhere to the methods described in the TOSAM for using a “uniform peak hour” for the analysis:

“For segment, facility, corridor, system, and area analyses, a common uniform peak hour should be computed and applied throughout the entire network.” – TOSAM Chapter 6, page 46.

Each intersection's hourly total volume were compared to determine which hour had the overall highest volume within the study area. In our case, the 4:15 to 5:15pm and 4:30 to 5:30pm hours were nearly identical in total volume (13,612 vs. 13,600). However, it was decided that 4:30-5:30pm would be selected as the uniform peak hour since 5 of the 9 intersections peaked during that corresponding hour.

Staff Response: *Noted-no further comments*

Comment 3: Existing driveway volumes were just one of the factors we considered when determining site traffic assignments. The figure below represents an assignment based solely on the PM average of the existing driveway entering / exiting percentages (shown in green) compared to the assignments used in the analysis (shown in red / blue). Existing driveway percentages reflect the shopping center in its entirety, while our assignment is only focused on the proposed development. As shown, assignments are generally consistent with these percentages, however, they do reflect the unique characteristic of the proposed development (i.e., new generator with regional draw) and how it could use the driveways.

Staff Response: *Staff does not agree with the assumptions used to assign site generated trips to the access driveways. Staff believes the future distribution of site trips to the driveways will be consistent with the existing assignments of the Shopping Center. However, staff does not believe that this assumption will significantly change the outcome of the analysis. No further comments.*

Lastly, in reviewing the comment response letter staff has determined that with the exception of the pro rata contribution as part of the CUP development conditions, the findings and conclusions of the TIA are acceptable. The Town's acceptance of the TIA provided for the approval of the conditional use application, CUP 2019-003. Please note that additional analysis may be required by the Virginia Department of Transportation (VDOT) during the time of permit approval. Please feel free to contact me if you have any additional questions/concerns.

Cc: Keith Rogers, Town Manager, Town of Dumfries
Jonet Prevost-White, Director of Public Works, Town of Dumfries
Peter Gerner, P.E, Area Land Use Engineer, VDOT

APPENDIX F



DUMFRIES, VIRGINIA
Virginia's Oldest Continuously Chartered Town
CHARTERED 1749 INCORPORATED 1961

John Wilmer Porter Municipal Building
17739 Main Street, Suite 200
Dumfries, Virginia 22026
Tel: 703-221-3400 / Fax: 703-221-3544
www.dumfriesva.gov

MEMORANDUM

DATE: January 17, 2020

TO: William Capers, III, Director of Planning & Community Development

FROM: Jonét Prévost-White, Director of Public Works

CC: William Capers, Director of Planning & Community Development
Jonét Prevost-White, Director of Public Works

SUBJECT: CUP-2019-003 Rosie's Gaming Emporium

I have reviewed the Revised Conditional Use permit for the above mentioned project and I have to comments to offer at this time other than:

Any land disturbing will require a Land Disturbing permit and all necessary fees and bonds associated with this permit type.

APPENDIX G



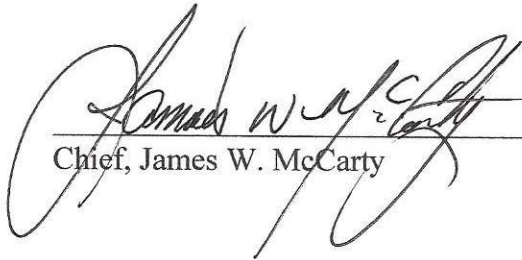
TOWN OF DUMFRIES POLICE DEPARTMENT

17755 Main St., Dumfries, VA 22026
(T) 703.221.1111 (F) 703.221.1011



TO: William Capers, III
FROM: Chief, James W. McCarty
DATE: January 15, 2020
RE: CDG, LLC Security Plan

The purpose of this memorandum, as you requested, is to document that I have met with Curtis Marshall, Vice President of Security for Colonial Downs Group, LLC. and have discussed and reviewed the Security Plan for Rosie's Gaming Emporium. After thorough review and careful consideration I am in concurrence with the above-mentioned Security Plan.



Chief, James W. McCarty

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON FEBRUARY 4, 2020, IN COUNCIL CHAMBERS, 17739 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY MADE BY MS. NICKERSON, AND SECONDED BY MR. FIELDS, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, yes;
Brian K. Fields, yes;
Selonia B. Miles, no;
Cydny A. Neville, no;
Monaé S. Nickerson, yes;
Melva P. Willis, no;
Derrick R. Wood, yes;

**ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT,
CUP 2019-003 FOR A GAMING FACILITY AT
18059-18139 TRIANGLE SHOPPING PLAZA, DUMFRIES, VA 22026**

WHEREAS, Colonial Downs Group, LLC submitted a Conditional Use Permit application, CUP 2019-003, to the Town of Dumfries Department of Planning and Community Development on December 3, 2019; and

WHEREAS, Town staff reviewed the Conditional Use Permit application, CUP 2019-003 and scheduled the application to be reviewed by the Planning Commission; and

WHEREAS, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their February 3, 2020 meeting, recommended that Town Council adopt the Conditional Use Permit, CUP 2019-003 for the Rosie's Gaming Emporium subject to conditions; and

WHEREAS, the Dumfries Town Council held a duly advertised public hearing on February 4, 2020; and

WHEREAS, in accordance to Section 70-10 of the Town Zoning Code, the proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Dumfries on this 4th day of February 2020, that the Conditional Use Permit application (CUP 2019-003, as proposed by Colonial Downs, LLC is approved with the following conditions:

1. This Conditional Use Permit ("CUP") for a gaming facility is granted for and runs with the land indicated in this application, that is, an approximately 18,634 sq. ft. portion of 18059-18139 Triangle Shopping Center (currently with a unit address of 18103), Dumfries (GPIN #8188-68-8491), and this CUP is not transferable to other land.
2. This Conditional Use Permit is granted only for the purpose(s), structure(s), location, and/or use(s) indicated on the General Development Plan for a Gaming Facility, known as Rosie's Gaming Emporium, prepared by Kimley-Horn and Associates, Inc., dated

1/21/2020 (“Generalized Development Plan”), that is, for pari-mutuel and simulcast wagering and accessory uses for these gaming uses.

3. The Conditional Use Permit is subject to the requirements outlined in Section 70-7 of the Zoning Ordinance which authorizes gaming facilities; and requirements of a Building Permit as may be determined by the Town of Dumfries Department of Public Works. Building Permits issued pursuant to this Conditional Use Permit shall be in substantial conformance with approved General Development Plan and the development conditions established hereto.
4. The applicant must obtain a Certificate of Occupancy in accordance with current building & zoning regulations of Town of Dumfries & Virginia Statewide Uniform Building Code.
5. The maximum number of gaming historical horse racing (“HHR”) terminals shall not exceed 150.
6. The maximum hours of operation are: Sunday to Thursday 8 a.m. to 2 a.m., and Friday to Saturday 8 a.m. to 4 a.m.
7. Façade light lumens or brightness shall not exceed Town or Prince William County maximum.
8. The applicant shall provide a stop sign at each point of egress at each site access driveway prior to the issuance of a Certificate of Occupancy.
9. The final architectural design of the building must be consistent with the general architectural design provided on sheet A-300 of the Generalized Development Plan.
10. The applicant shall conform to the provisions outlined in the “Rosie’s Gaming Emporium Security Plan,” dated January 10, 2020. The applicant shall coordinate with Town of Dumfries Police Department to ensure compliance with these standards prior to the issuance of the Certificate of Occupancy.

By Order of Council:



Derrick R. Wood, Mayor

ATTEST:



Dawn Leander, Town Clerk

Ordinance Number O-2020-003

PANDAK & TAVES PLLC
ATTORNEYS AT LAW
4004 GENESEE PLACE, SUITE 201
WOODBRIIDGE, VIRGINIA 22192


Sharon E. Pandak
Email: spandak@gtpslaw.com

Telephone 703-680-5543

July 4, 2023

Agenda: July 11, 2023

TO: TOWN COUNCIL

FROM: SHARON E. PANDAK
Acting Town Attorney 

**RE: AUTHORIZE PUBLIC HEARING ON AMENDMENTS TO TOWN CODE
REGARDING TOWN MANAGER'S AUTHORITY AND RELATED
MATTERS**

Pursuant to the direction of the Town Council, I have consulted with Town Manager Innis and prepared the attached proposed amendments to Town Code Sections 2-80 and 2-83. The proposed amendments regard the Town Manager's authority and related matters, including amendments related to the positions of the Town Clerk, Town Treasurer, and Town Attorney. I understand that Town Manager Innis is comfortable with these changes. I previously advised Council about these changes by confidential email. A general summary of the proposed amendments follows:

Pursuant to the proposed amendments, the Town Clerk will be supervised by the Town Manager but will report to the Town Council on matters related directly to the Council. The Town Treasurer will report to the Town Manager. The Town Attorney will continue to report directly to the Town Council. The Clerk, Treasurer and Town Attorney will continue to be appointed by the Town Council.

Pursuant to the proposed amendments, Town officials, department heads and other employees will be appointed by the Town Manager unless the Town Charter, Town Code, or Code of Virginia require Council appointment. The Town Manager will have the authority to suspend or remove all Town employees unless they are appointed by Council. There are provisions relating to those employees who are appointed by Council but also serve in another staff position.

Other amendments are consistent with the foregoing revisions or are clarifying changes. These amendments are within the authority provided by the Code of Virginia and Town Charter.

I have included on page 4 of the attachment proposed language amending Town Manager Innis' Employment Agreement to make it consistent with the proposed amendments.

Attachment: as stated

cc: Town Manager Innis

**AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON
JULY 11, 2023: ON A MOTION DULY MADE BY _____,
AND SECONDED BY _____, THE FOLLOWING
RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:**

Tyrone A. Brown, ____;
Brian K. Fields, ____;
Selonia B. Miles, ____;
Monae S. Nickerson, ____;
Shaun R. Peet, ____;
Caetrina A. Peterson, ____;
Derrick R. Wood, ____;

**AUTHORIZE PUBLIC HEARING ON AMENDMENTS TO TOWN CODE
REGARDING TOWN MANAGER'S AUTHORITY AND RELATED MATTERS**

WHEREAS, at the direction of the Town Council, the Acting Town Attorney, in consultation with the Town Manager, has prepared the attached proposed amendments to the Town Code Sections 2-80 and 2-83, regarding the Town Manager's authority and related matters, including amendments related to the positions of the Town Clerk, Town Treasurer, and Town Attorney; and

WHEREAS, the Council desires to consider adoption of the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Dumfries hereby approves the scheduling of a public hearing to consider the attached proposed amendments to the Town Code.

By Order of Council:

Derrick R. Wood, Mayor

ATTEST: _____
Tangi Hill, Town Clerk

Attachment: as stated

**PROPOSED TOWN CODE AMENDMENTS REGARDING THE
TOWN MANAGER’S AUTHORITY AND RELATED MATTERS**

Sec. 2-80. – Town clerk.

(a) *Clerk of council to be ex officio town clerk.* The clerk of the council shall be ex officio town clerk. The clerk shall be appointed by the town council upon recommendation of the town manager and shall be supervised by the town manager and shall also report to the town council on matters related directly to the council.

(b) *Duties.*

(1) *Custodian of town records, maps, documents, etc.* The town clerk shall be custodian of all town records, maps documents and other papers belonging to the town for which no other custodian is designated, and ~~he~~the clerk shall keep them secure against all hazards and make them available to those having an interest therein for inspection and use in ~~his~~the clerk’s office or other appropriate place designated by the governing body during all regular business hours; provided that, records of a confidential nature, such as income returns from merchants, shall be made available only to persons authorized by law to have access thereto.

(2) *Issue licenses and permits.* The town clerk shall issue all licenses and permits granted by the council and all other licenses and permits for which no other issuing officer is designated.

(3) *Render assistance to persons affected by this Code, ordinances, etc., and to persons seeking to do business with the town.* The town clerk shall render reasonable assistance to persons affected by the provisions of this Code or other ordinances or resolutions of the council and to persons seeking to do business with the town. ~~He~~The clerk shall exercise such other powers and perform such other duties as may from time to time be prescribed for ~~his office~~the clerk by ordinance, resolution or order of the council.

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Sec. 2-83. – Town manager.

(a) *Application of section.* The provisions of this section shall apply only in the event that the town council chooses to appoint a town manager as provided in the town Charter.

(b) *Duties.*

(1) *Chief administrative officer.* The town manager is the chief administrative officer of the town. In this capacity, the town manager shall have general supervisory authority over the town ~~officers~~clerk and treasurer, and departments and units, and staff of the town government other than the town attorney. The manager shall see that all laws, provisions of the Charter, and ordinances and resolutions of the town council are faithfully executed.

(2) *Preparation of town budget.* The town manager shall be responsible for the timely annual preparation of the proposed town budget and budget message to the town council by April 15 or such other date agreed to with council and publication thereof.

(3) *Presentation of proposed budget at public hearings.* The town manager shall formally present ~~his~~the manager's proposed town budget in public hearings held by the town council. The town manager will be accompanied to the budget hearings by the responsible department heads. The department heads will provide answers to questions raised by the town council relative to the day-to-day operations of their respective departments.

(4) *Revision of town pay classification plan.* The town manager shall annually report on the need to revise the town's pay classification plan. This report must be submitted at the time the proposed budget is submitted for the town council's consideration. Its primary use will be to determine whether there is a need to make any changes to the town's pay classification plan to ensure fair and appropriate salaries and fringe benefits are available for all town employees.

(5) *Custodian of town property.* The town manager shall be custodian of all property belonging to the town, such as buildings, lands, equipment, machinery and personal property of any kind whatsoever. It shall be the manager's duty to maintain an inventory of such properties and to report to the town council, as part of the annual budget review process, the condition of same. The use, rental, loan, or lease of town property shall be the manager's sole responsibility. The manager shall have responsibility for collection of rents, service charges, or fees for the use of any item of town property. ~~He~~The manager shall keep all town properties adequately insured for such amounts as shall be annually approved by the town council during the annual budget deliberation process.

(6) *Custodian of supplies.* The town manager shall be the custodian of all supplies and shall record the acquisition, and the classification of the same as expense items rather than capital purchases, and annually report, as part of the annual budget review process, as to the general amount and condition of said supplies.

(7) *Council meetings – attendance.* The town manager shall attend all meetings of the council and recommend to the town council, for adoption, such measures as ~~he~~the manager may deem expedient or necessary.

(8) *Same – preparation of agenda.* The town manager shall prepare the agenda for each meeting of the town council.

(9) *Reports and recommendations.* The town manager shall submit any reports and recommendations to the town council from time to time as ~~he~~the manager may deem appropriate in the best interests of the town and its inhabitants.

(10) *Department head vacancies.* The town manager shall appoint all such town officials and employees as the town council shall determine are necessary for the proper administration of the affairs of the town, except those specifically reserved in the Town Charter, the Town Code or Code of Virginia for appointment by the town council. must recommend to and shall receive concurrence from the town council regarding individuals to fill the vacancies that occur in the

~~ease of department heads~~ These department heads shall serve at the pleasure of the town ~~council manager~~. The manager shall also make recommendations to council ~~offer~~ for the positions ~~appointed positions of the town clerk, town treasurer and town attorney by council~~. The town council will make the final choice to fill these vacancies by appointment after considering the town manager's recommendation. ~~The town manager shall make appointments of all other town employees based on a recommendation made by the appropriate department heads.~~

(11) *Suspension or removal of employees.* The town manager shall, when necessary, for the good of the town, suspend or remove any and all town employees, ~~subject to the provisions of the personnel policy and grievance procedures, unless such employees are specifically appointed by the council.~~ The council shall take any employment action with respect to those employees appointed by the council. When an employee is appointed by the council to a specific position and also serves in another staff position, the town manager shall advise the council prior to taking action. ~~All suspensions and removal shall be subject to the provisions of the personnel policy and grievance procedures of the town, where applicable.~~ The manager shall ensure that adequate and accurate personnel records are maintained of all employees of the town, ~~including the town clerk~~. All town employees will be subject to the provisions of the personnel policy and grievance procedures of the town, where applicable.

(12) *Annual report on town finances.* The town manager shall annually submit to the town council, within 45 calendar days after completion of the fiscal year, a complete report on the finances of the town for the preceding fiscal year. The town manager's report shall provide the unaudited town budget surplus (or deficit) for the preceding fiscal year, the balances of the town's certificates of deposit and checking accounts, and detailed listings of the delinquent real estate taxes and sanitation fees owed by individual households to the town.

(13) *Develop a system of handling citizen and business complaints.* The town manager shall develop a formal system of handling complaints received from town citizens and businesses. Each complaint, whether received in writing or orally by town officials and staff, shall be summarized in a separate log established for each town department. The status of each complaint must be updated every two (2) weeks by the responsible department head to reflect action taken to address each complaint.

(14) *Other duties as prescribed by Charter, state law, etc.* The town manager shall exercise such other powers and perform such other duties as may be prescribed by the town Charter, state law, this Code, and other ordinances, resolutions and orders of the council.

(15) *Appointment or removal of administrative officials or employees; council communication with staff to go through town manager.* Neither the town council nor any of its members shall in any manner dictate the appointment or removal of any town ~~administrative officials or employees~~ appointed by the town manager or any of the manager's subordinates unless otherwise provided in this Code. Except for the purpose of information, informal reviews, inquiries or official investigations, the town council and its members shall communicate with staff, other than the town clerk and town attorney, solely through the manager. Neither the council nor any of its members shall give direction to any member of staff, other than the town manager, town clerk in the clerk's appointed position and town attorney, either publicly or

privately. For purposes of this section, the term "staff" means all town officials and employees who are subject to the supervision of the town manager or any of ~~his~~the manager's subordinates.

(16) *Submission of manager's personal leave takentime cards.* ~~The town manager shall submit his personal time cards to the town council on a monthly basis.~~ The manager shall be entitled to all forms of leave provided under the town's personnel policy and the manager's employment agreement and shall advise the council of leave taken on a monthly basis.

(17) *Town manager designation.* In the event that the town manager is unable to perform ~~his~~the manager's duties in accordance with the provisions of the ~~Dumfries~~ Town Code and/or ~~his~~the manager's written employment contract due to absence, illness or disability as determined by the town manager or the town council, with the approval of council, the town manager shall designate a qualified individual to be the chief administrative officer of the town to serve and perform as the town manager on a temporary basis notwithstanding other provisions of this article. In the event that the town manager is not able to make such designation, the council shall appoint a temporary town manager.

Proposed Amendments to Pertinent Provisions of Town Manager Innis'
Employment Agreement

(No public hearing is required – to be adopted by resolution upon amendment of the Town Code as set forth above):

6. Town Manager Responsibilities.

6.1 The Town stipulates and authorizes that to the fullest extent permitted by law Tangela Innis has and shall discharge the responsibility and exercise the authority and discretion as the Town's chief executive and administrative officer and is charged and obligated to provide effective, exemplary leadership to the Town; to select, place, transfer, organize, reorganize, arrange and manage the Town's personnel (other than those individuals appointed by and who report to the Town Council) in accordance with the Town Charter and Town Code and in a manner which best serves the Town; to manage the business and other functions and operations of the Town, with the assistance of staff; and to perform all other duties prescribed by law and by Town Council.

6.2 As part of the process of Tangela Innis being accountable for the executive and administrative leadership, management and operations of the Town, the Town Council and its members will promptly refer all ~~major~~ criticisms, complaints, and suggestions, other than legal matters which go to the Town Attorney, to the Town Manager for expeditious review and, if merited, for action or recommendation by Tangela Innis for action by Town Council.